

## **REMARKS**

Claims 22-127 are pending in the Application. Claims 22-127 were allowed and claims 40-53 were objected to due to formalities, in the Office action mailed December 7, 2009. Claims 40-53 are amended by this response. Claims 22, 40, 54, 68, 83, 98, and 113 are independent claims, while claims 23-39, 41-53, 55-67, 69-82, 84-97, 99-112, and 114-127 depend, respectively, from claims 22, 40, 54, 68, 83, 98, and 113. Applicants respectfully request reconsideration of claims 40-53, in light of the remarks that follow.

Applicants again express their appreciation to Examiner John Pezzlo for recognition of the patentable subject matter of claims 22-127.

The Applicants note that a stated goal of patent examination is to provide a prompt and complete examination of a patent application. See M.P.E.P. §2106(II). Applicants therefore assume, based on the goals of patent examination set forth by the Office, that the current Office Action sets forth “all reasons and bases” for rejecting the claims.

### **I. Terminal Disclaimer**

The Terminal Disclaimer filed May 5, 2009 was disapproved because “the signee does not sate [sic] capacity to sign on behalf of assignees.” See Office action at page 4. Applicants hereby submit the accompanying substitute Terminal Disclaimer in which the capacity of the signee to sign on behalf of the assignees (“Agent for Applicants”) is stated at the signature block. Applicants respectfully request that the accompanying substitute Terminal Disclaimer be accepted and entered in the Application.

### **II. Objections to Claims**

Claims 40-53 were objected to because of the use of the word “machine.” While Applicants disagree with the unidentified basis for the objection by the Office, Applicants have amended claims 40-53 as shown above to eliminate the use of the word “machine.” Applicants respectfully note that Applicants have made this change solely at

the request of the Office, that these amendments do not add new matter or alter the scope of the claims, nor do they give rise to any estoppel. Applicants respectfully submit that the objection of the Office is overcome.

## **Conclusion**

In general, the Office Action makes various statements regarding the claims and the cited references that are now moot in light of the above. Thus, Applicants will not address such statements at the present time. However, Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim).

The Applicants respectfully note for the Examiner's consideration that U.S. Patent 6,389,010 cited in the non-statutory, obviousness-type double patenting rejection of claims 40-53 and 68-127 underwent re-examination (Control No. 90/008,938) resulting in the issuance of re-exam certificate US 6,389,010 C1 on December 8, 2009.

Applicants believe that all of pending claims 22-127 are in condition for allowance.

The Commissioner is hereby authorized to charge any fees required by this submission, or to credit any overpayments to the Deposit Account of McAndrews, Held & Malloy, Ltd., Deposit Account No. 13-0017.

Should the Examiner disagree or have any questions regarding this submission, the Applicants invite the Examiner to telephone the undersigned at (312) 775-8000.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

Date: December 28, 2009  
McAndrews, Held & Malloy, Ltd.  
500 West Madison Street, 34th Floor  
Chicago, Illinois 60661  
(312) 775-8000

By: /Kevin E. Borg/  
Kevin E. Borg  
Agent for Applicants  
Reg. No. 51,486